



General Assembly

Distr.: General
6 June 2014

English only

Human Rights Council

Twenty-sixth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Joint written statement* submitted by the Union of Arab Jurists, Arab Organization for Human Rights, General Arab Women Federation, Indian Movement "Tupaj Amaru", International Volunteerism Organization for Women, Education and Development - VIDES, Nord-Sud XXI - North-South XXI, Organisation Mondiale des associations pour l'éducation prénatale, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE Internationale, United Towns Agency for North-South Cooperation, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status, Indian Council of South America (CISA), International Educational Development, Inc., International Human Rights Association of American Minorities (IHRAAM), World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[02 June 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-04508 (E)



* 1 4 0 4 5 0 8 *

Please recycle



Violations of the Right to Peaceful Assembly, Freedom of Opinion and Expression in Iraq¹ *

Since the beginning of 2014, human rights violations by the Iraqi authorities became more serious, systematic and widespread in regards especially to right to peaceful assembly, freedom of opinion and expression. In blatant violation of the international standards the government responded to peaceful protests with excessive and inadequate use of force, including administrative obstacles and the use of military force, politically motivated threats and attacks against media institutions and those journalists who report on protests or advocate human rights.

The ruthless military attacks against civilian demonstrators by the government forces are in serious violation of all fundamental human rights and must immediately be put to an end.

Peaceful protests in Iraq and the Iraqi government's response

Iraq has been the scene of intensive peaceful demonstrations during 2010-2014. Despite the existing international standards setting forth freedom of assembly and expression, the government has responded to peaceful protests with excessive use of force. Though, a joint committee was established by the government in early 2013 with a mandate to investigate the demonstrators' demands; however, it failed to render any result up to this day. In August 2013, the Interior Ministry officials refused to issue permits for two concurrent groups organising demonstrations, without providing them a reason. Moreover, media organisations and journalists who report on protests or advocated human rights are regularly further targets of politically motivated threats and attacks.

Although Article 38 (3) of the Iraqi constitution guarantees the right to freedom of assembly and demonstrations, the Ministry of Interior has yet to approve every request for any planned peaceful demonstration. In August 2013, the Ministry of Interior stated that he was aware of the planned peaceful demonstration; however, he demanded the postponement while warning the organisers of possible "terrorist attacks" and the importance of national security. This pretext of the alleged terrorist attacks has been continuously used to postpone, cancel or prohibit demonstrations as well as arbitrarily detain protesters and convict them on "terrorist charges". This is an important issue which is directly linked to the Anti-Terrorism Law No.13 of 2005. This law is the main pretext for targeting and restricting peaceful protests.

The peaceful protests demanded the provision of basic services and the end of corruption and human rights violations. In general, the demonstrations were in response to an increased frustration with the deteriorating conditions that Iraqis are forced to endure on a daily basis. The protests started through the discovery of the ill-treatment of female prisoners.

Attacks on Demonstrations

Throughout Iraq people were enraged at the Maliki government because his security forces, still heavily staffed by members of various militias, were killing or detaining their compatriots from the region, as well as across much of Baghdad. As of December 2012, angry protesters in Anbar, Nineveh, Ta'mim, Salaheldin, Diyla, and other places, took to the streets every Friday, holding signs that read, "We demand an end to checkpoints surrounding our cities", "We demand they end their unlawful home raids and detentions", "We demand an end to federalism and gangsters and secret prisons!"²

In January of 2013, the Iraqi army officers opened fire on peaceful demonstrators in Mosul. The Governor of Nineveh province confirmed that security forces shot at demonstrators in an attempt to disperse them. Civilians who simply attempted to reach the peaceful protests in Mosul were pursued and targeted by army officers.³ On 25 January 2013, a peaceful sit-in protest in Fallujah was interrupted by open fire from army forces killing a total of 9 and injuring over 60 additional civilians. Witnesses claim that the security forces fired directly at the peaceful protesters.

One of the most tragic cases of the government's restrictions on these fundamental rights of freedom of assembly was seen in April 2013 in Al-Hawija, during which over 200 protesters were killed, wounded or arrested. Over a period of several days in April 2013, around 4000 peaceful demonstrators protested against the government's repeated disrespect

¹ - Report prepared by Geneva International Centre for Justice (GICJ)

² <http://truth-out.org/news/item/22138-iraqi-government-killing-civilians-in-fallujah>

³ Al-Jazeera video can be found at: <http://www.youtube.com/watch?v=6b0ybuS5hAQ&feature=youtu.be>

for human rights in the Hawija/ Ta'mim (Kirkuk) province in Iraq. At a certain point during the demonstrations, the protesters found themselves surrounded by armed governmental troops that prevented all access to food, water and medical aid. Access to all forms of media including journalists and news casters were also prevented and their equipment confiscated. The army and militias stormed the area and attacked the peaceful protesters who were authorised by the mayor of Kirkuk to hold these demonstrations.⁴

. Instead of answering to the justified demands of demonstrators and improving its human rights record the measures undertaken by the government of Iraq became increasingly draconian.

Operation in the province of Anbar

In December 2013, the army troops launched an operation in the province of Anbar, where some Al-Qaeda camps are said to be located in the desert. Based on the fact that the majority of the population in the area has always been as much in the opposition to al-Qaeda as they had been against the occupation, several tribe leaders expressed their willingness to support this fight against the notorious terrorist organisation. Suddenly the army moved close to the cities and turned against the protesters, claiming that they were not just a place for recruiting terrorist but for sheltering them too,⁵ a claim that was totally rejected by the residents, who been assured that there are no foreigners involved in the uprisings and offered that the government troupes may come into the protest camps and search without being harassed.

Nevertheless on December 28, 2013 the situation escalated with the violent arrested of a senior MP from Al-Anbar, and he is the Chair of the Iraqi Parliament's Economics committee – Dr Ahmad Alwani. An assault force of 50 armored vehicles, helicopter gunships and hundreds of heavily armed troops killed 9 members of his family and arrested him and over 150 of his staff on baseless charges of terrorism. Dr Alwani has been a key critic of Maliki and of Iranian meddling in Iraq.

On the 30th of December 2013 the protest camps were stormed. When no terrorists were found it was casually suggested that in the terrorists had probably escaped. Such rhetoric is typical for the current Iraqi government, which commonly labels all its opposition as terrorists, claiming that they are active members of Al Qaeda. This is although those Al Qaeda fighters who had indeed infiltrated Ramadi had quickly been driven out by the locals themselves.

In the wake of January 2, 2014 then the 600.000 residents of Fallujah found themselves encircled by government forces. This time it was claimed that Al Qaeda and ISIL had taken over the city. Indeed some people wearing such badges were seen, who set police stations on fire and encountered strong resistance from the local residents, who drove them out. In this context, as a side note, it needs to be mentioned that contrary to what would have to be expected if these people had been affiliated to extremist groups witnesses testified that these persons had come with modern military vehicles and left the city undisturbed despite the siege of the governmental army.

During the days following these incidents the residents of Fallujah then publicly declared several times that the city had not been taken over by terrorist, yet the official rhetoric by the Iraqi government did not change. According to local estimation and UN figures the total number of displaced persons stand at around 450.000. Deaths in Anbar Province are now being excluded from Iraq government statistics.⁶ According to the hospital in Fallujah the civilian casualties since the beginning of 2014 until May is about 1,296 wounded and 295 killed. These figures are not exclusive as there is much causality which can't be reported to the hospital due to the security situation. Normal services such as clean water, constant electricity are non-existent. Given the power interruptions and tense situation, the full numbers are incomplete.

Doctors, residents and NGO workers in Fallujah are accusing the Iraqi government of "war crimes" and "crimes against humanity" that have occurred as a result of its ongoing attack on the city. "Many houses and have been attacked, and many civilians killed and injured," one doctor said. "Many people have been killed before they could reach the hospital, which has also been targeted by Maliki's army." Several doctors were prevented from entering the city. "What is happening in Fallujah is a war crime," the doctor further explained. "Believe me that there have never been any official nor military targets attacked by Maliki's army. Civilians are the only target."⁷

⁴http://www.nytimes.com/2013/04/24/world/middleeast/clashes-at-sunni-protest-site-in-iraq.html?pagewanted=all&_r=0

⁵ Arab Centre for Research and Policy Studies at: <http://english.dohainstitute.org/release/05adf2f2-29bc-4b67-a115-b37a0476b365>

⁶ <http://www.globalresearch.ca/iraq-sixty-nine-days-in-fallujah-general-hospital-emergency-department/5380996>

⁷ <http://truth-out.org/news/item/22138-iraqi-government-killing-civilians-in-fallujah>

Recommendations

- The UN and the Human Rights Council to ensure that all human rights violations committed in Iraq since 2003 to be investigated by an international independent body;
- The reinstatement of the position of a Special Rapporteur for Iraq.
- The Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association and on the Freedom of Opinion to submit a detailed report to the HRC on respective violations;
- To halt any military aid to the Iraqi government until the human rights investigation by an independent body is finalised.

* Geneva International Centre for Justice (GICJ), Brussels Tribunal, Arab Lawyers Association- UK, Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK), Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home, Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in the Islamic Republic of Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic,

PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internasionalista-Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org, Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme, NGO(s) without consultative status, also share the views expressed in this statement. NGO(s) without consultative status, also share the views expressed in this statement.



General Assembly

Distr.: General
6 June 2014

English only

Human Rights Council

Twenty-sixth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-04500 (E)



* 1 4 0 4 5 0 0 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



South Sudan: the UN Human Rights Council must support international efforts to address the dire situation

Atrocities have been committed by both parties to the conflict in South Sudan, including ethnically motivated attacks on civilians constituting war crimes and crimes against humanity. The cycle of violence is spiraling out of control, and humanitarian actors have rung the alarm that widespread famine looms. The virtual total impunity enjoyed by perpetrators of serious violations and abuses has had the pernicious effect of fostering even more violence.

Reports have been released, including by the United Nations Mission in South Sudan (UNMISS)¹, on violations and abuses perpetrated in a conflict that has forced over one million people to flee their homes and driven the world's youngest country to the brink of a humanitarian disaster.

According to UNMISS, 4.9 million people in South Sudan need humanitarian assistance and the country faces the worst risk of famine in Africa since the mid-1980s, with some 3.7 million people at a high risk of food insecurity in the coming year. The conflict prevented many farmers from working during planting season. Now that the rainy season has begun, many roads are impassable preventing the distribution of humanitarian aid. UNMISS and humanitarian agencies have reported restrictions on their movement and activities, harassment of their personnel by both government and opposition forces, and looting of their food supplies and facilities.

Yet, the Human Rights Council (the Council) has, to date, failed to convene in a special session that would have allowed it to be briefed without delay on the situation and to decide on the most appropriate response to prevent further violations and abuses.² This has been a lost opportunity to put in place regular public reporting on the situation, which is an important element of ensuring accountability.

This statement draws from Amnesty International's report 'Nowhere Safe: Civilians Under Attack in South Sudan'³, released on 8 May 2014 and based on field research to South Sudan undertaken in March 2014. The report documents first-hand accounts from survivors of massacres, victims of sexual abuse and witnesses.

Attacks against civilians

The current conflict, which began on 15 December 2013, has resulted in the deaths of thousands of people, including many civilians. Over one million people are internally displaced, including some 87,000 who have sought shelter in increasingly overcrowded UNMISS bases. Other internally displaced persons are sheltering in open, rural areas without reliable access to food, water, shelter and sanitation. At least 350,000 people have fled to neighbouring countries.

Both government and opposition forces have committed war crimes, crimes against humanity and other grave human rights violations abuses. These include widespread attacks on civilians, including targeted killings based on ethnicity, executions of soldiers *hors de combat*, abduction and sexual assault of women and young girls, disappearances, destruction of homes and other civilian property, attacks on medical facilities and places of sanctuary, and looting of resources from humanitarian agencies.

In the March 2014 mission Amnesty International also collected evidence from across the country of individuals being tortured and subjected to sexual violence before they were killed, and received testimonies from survivors of sexual violence in Juba and in Pariar, Unity State, of government forces killing women by inserting sticks into their vaginas. Amnesty International also interviewed an individual leading government efforts to collect and bury bodies in Bor after government forces recaptured the town on 18 January 2014, who found that 11 of the bodies he counted showed signs of sexual violence, and one of them had a piece of wood inserted in her vagina. He also told Amnesty International that

¹ 'Conflict in South Sudan: A Human Rights Report', UNMISS, 8 May 2014

² See joint NGO call for a special session: <http://amnesty.org/en/library/info/AFR65/004/2014/en>

³ www.amnesty.org/en/library/info/AFR65/003/2014/en

after government forces regained control, he found 18 bodies of Dinka women in and around the compound of the town's St Andrew's Cathedral, and that six of the bodies were found naked below the waist. Amnesty International also received reports from multiple sources that between 19 and 20 March 2014, three individuals were killed by government security forces in Bentiu and their bodies grotesquely mutilated. One man was found with his throat slit, his eyes gouged out and his feet cut off.

Violence continues, particularly in Jonglei, Upper Nile and Unity states, despite a cessation of hostilities agreement signed on 23 January 2014 by representatives of the government and the opposition forces (known as the SPLM/A in Opposition), in Addis Ababa, Ethiopia. Recent attacks on civilians include the events of 15-16 April 2014 in Bentiu, the capital of Unity state. According to UNMISS, upon taking Bentiu, opposition forces killed approximately 200 people who were seeking refuge at a mosque, and a further 33 people in the hospital according to Médecins Sans Frontières. The fighting resulted in a new wave of civilians fleeing Bentiu, with the number of people sheltering in the nearby UNMISS base rising from 8,000 on 15 April to 22,500 on 24 April 2014. On 17 April 2014 the UNMISS protection of civilians site in Bor was attacked by a group of armed men, resulting in at least 50 people being killed. A recommitment to the cessation of hostilities agreement was signed on 5 May, and on 9 May President Salva Kiir and Dr Riek Machar, leader the SPLM/A in Opposition, signed an agreement "to resolve the conflict". Not only were these agreements ignored by both sides, but they also did not deter forces on either side from carrying out targeted violence against civilians.

Accountability measures

The lack of accountability for serious human rights violations and abuses in the past has contributed to the violence that has plagued South Sudan. Already in 2012, Amnesty International had urged the Human Rights Council to support the development of robust and effective human rights and justice mechanisms in South Sudan by creating an Independent Expert mandate⁴, a recommendation it reiterated in 2013. Regrettably, the Council has made no use of its preventive mandate to create one.

The almost total impunity enjoyed by perpetrators has led individuals and groups who have been affected by violence to feel that the only way to ensure punishment of perpetrators and prevention of future abuses is to take the law into their own hands and engage in reprisal attacks.

The government's initiatives towards investigations and accountability for crimes that have occurred since 15 December 2013 have not led to tangible outcomes. A board of investigation set up by the Inspector General of the South Sudan National Police Service to investigate human rights violations carried out by elements of the security forces has yet to announce results of their investigation. The Human Rights Abuses Investigation Committee established by presidential decree in mid-February 2014 had not yet started work when Amnesty International delegates were in South Sudan in March. There has been no public information about the Committee's terms of reference or of the progress it has made to date. Two investigation committees were set up by the Sudan People's Liberation Army (SPLA) Chief of General Staff on 31 December 2013, and according to SPLA spokesperson Phillip Aguer in February 2014, 100 people were subsequently arrested. However, all of them escaped during a gunfight among soldiers at the Giyada military barracks in Juba on 5 March 2014. The Director of Military Justice told Amnesty International that a General Court Martial had been set up to try soldiers for looting and killing and had started hearing cases, but he was unable to give any information on the number or status of trials.

Members of the African Union (AU) Commission of Inquiry were finally sworn in March 2014. They first travelled to Juba at the end of April and also met with South Sudanese civil society in Nairobi and Kampala in May 2014. The Commission has not yet started field investigations outside of Juba. On 15 May 2014, it issued a declaration that it is "leaning towards the creation of a hybrid court...to be established jointly by the African Union and the United Nations" to prosecute international crimes. The Commission has announced the release of an initial report for June 2014.

⁴ See <http://www.amnesty.org/en/library/info/AFR65/004/2012/en>

Amnesty International urges the Human Rights Council, its members and observers to respond robustly to the human rights situation in South Sudan, including by:

- giving without further delay consideration to the situation in South Sudan, by convening in a special session or urgent debate;
 - providing the AU Commission of Inquiry with an opportunity to brief the Council on its progress, initial recommendations, and any support that the Council or other UN entities could provide to support the Commission's work;
 - condemning attacks on civilians and against humanitarian personnel and assets, and obstructions to the delivery of humanitarian assistance;
 - calling on all parties to the conflict to grant immediate and unhindered access for humanitarian assistance to reach internally displaced persons;
 - calling for the mobilization of adequate humanitarian support to ensure that the basic needs of all persons affected by the conflict are met;
 - calling on the Government of South Sudan to ensure that perpetrators of human rights violations and abuses are held accountable for their actions. National investigations into human rights violations and abuses against civilians should proceed and take place under independent and impartial civilian courts rather than military courts.
 - establishing regular public reporting on the human rights situation in South Sudan.
-



General Assembly

Distr.: General
12 June 2014

English only

Human Rights Council

Twenty-sixth session

Agenda item 6

Universal periodic review

Written statement submitted by the World Peace Council, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[06 June 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-04909 (E)



* 1 4 0 4 9 0 9 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



Universal Periodical Review of Human Rights in the Socialist Republic of Viet Nam

The World Peace Council (WPC) supports the just causes of the peoples and their right to define and determine their fortunes since its foundation in 1949. Throughout the history of the Vietnamese people in the 20th century, we have witnessed the consecutive colonial and aggressive invasion and occupation of Viet Nam by foreign imperialist forces and the struggle of the people of Viet Nam for its liberation and national sovereignty, based on the democratic wishes of its people and reflected in the constitutions of the SR Viet Nam.

The defense of the Human Rights is a basic principle of the WPC, part of its character and constitution. As an International Non-governmental Organisation with Consultative status at the UN, accredited to the Human Rights Council in Geneva we want to stress on the following facts and aspects:

The 1992 Constitution (amended in 2001) ensures people's equal rights in all political, economic, social areas as well as before the law; the right to freedom of religion and belief; the right to freedom of movement and residence within Viet Nam; the right to complain and denounce; right to work, study and enjoy health care... regardless of their sex, social status, belief, religion. The improvement of the legal system on human rights, civil rights was harmoniously and implemented through programs on the establishment of laws and ordinances as well as policies toward the implementation of these legal documents.

We explicitly want to mention in this context the Amended Labour Code (2012), Amended and supplemented Law on Lawyers (2012), Amended Law on Publication (2012). In 2013, the National Assembly held the first-ever confidence vote on the performance of top leaders of the State and Government, showing the decisive voice of the National Assembly in State management.

The State of Viet Nam attaches importance to the guarantee of the right to State and society management directly and indirectly through the selection of their representatives. Viet Nam's very high election turn out at the elections for the XIII National Assembly in May 2011 shows that the people are very well aware of their right and the role of the National Assembly in exercising the right to state and society management of the people.

The right to petition and complain of the people is respected and protected. The handling of people's petitions and complaints has improved a great deal. The law also provides for the compensation of material and mental losses of petitioners.

Viet Nam has improved and broadened educational and training programs in human rights for employees working at government agencies. Many seminars and workshops have been organized with the participation of representatives from a wide range of ministries, research and training centres, such as Human rights research institute (at the Ho Chi Minh academy for politics and public administration), Legal Department of the Hanoi National University, etc. Classes on human rights issues are also conducted on a frequent basis. These efforts have provided the employees working at government agencies with basic knowledge on human rights. Viet Nam has also enhanced education on human rights for local officials to improve awareness, capability and efficiency in handling human rights issues at local level.

Viet Nam is a multi-religion country with all the major religions in the world (Buddhism, Catholic, Protestant, Muslim...); The consistent policy of Viet Nam is to respect and facilitate the exercise of the right to freedom of religion and belief by all the people, uphold the solidarity and harmony among religions, guarantee the equality and non-discrimination as well as protect activities of religious groups by law. The country has the second biggest Catholic community in Southeast-Asia. 95% of all the people have belief (including 22.3 million being followers of religions, accounting for 1/5 of the population); there are 25 thousand of worshipping places.

The right to freedom of press and information of the Vietnamese people has been reflected through the fast and diverse development of the mass media. By March 2013, there are 812 print newspapers and 1,084 publications (compared to 676 and 700 respectively in 2009); nearly 17,000 registered journalists; 01 national news agency, 67 radio and television stations; 101 TV channels and 78 broadcasting channels, 74 electronic newspapers and magazines; 336

social networks and 1,174 registered e-portals (compared to 46 e-newspapers and 287 e-portals in 2011). The Voice of Viet Nam (VOV) Radio Station broadcasts throughout 99.5% of Viet Nam's territory and many other countries via satellite. Today, the VOV reaches more than 90% of all households in Viet Nam in comparison with 85% in 2008.

The democratic nature and transparency of the State is strengthened through the critiques from the press, media and feedbacks of all the people. Viet Nam's press and media have become a forum for exchanges regarding the supervision of the State's activities, thus contributing greatly to the fight against corruption and wrongdoings in Viet Nam.

Viet Nam ratified the ILO Convention 186 on Maritime Employment on the 8th of May 2013 and this Convention will come into effect for Viet Nam on the 8th of May 2014. Viet Nam is taking the final legal steps to sign and ratify the Convention Against Torture (CAT).

Viet Nam is party of almost all core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); International Convention on the Elimination of Racial Discrimination (CERD); Convention on the Elimination of Discrimination against Women (CEDAW). Viet Nam is the second country in the world and the first in Asia to sign the Convention on the Rights of the Child. The country has also ratified 17 conventions of the International Labour Organization (ILO), including those related to gender equality, rights of the child... Viet Nam signed the Convention on the Rights of Persons with Disabilities (CRPD) on 2008. In the process of ratification of the CRPD, Viet Nam has promulgated the Law on Persons with Disabilities on 2010. In 2012, Viet Nam has acceded to the Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Convention No.122 on Employment Policy of the ILO.

Last but not least we want to emphasize on the huge efforts Viet Nam is doing for the victims of the toxic "Agent Orange" which was used by the USA against the Vietnamese people during the war and which is resulting till today in health consequences for the new generations of newborns and children. The state of Viet Nam is dealing with the consequences of crimes against its people, by taking care of the human and social rights of the victims and their families, without giving up the legal struggle for compensation of the victims at US courts.

In conclusion the WPC strongly recommends the positive approval of the achievements and records of Viet Nam in the field of Human Rights at the UPR in Geneva. Viet Nam is fulfilling the international standards at highest rank.

On behalf of the Secretariat of WPC,

Socorro Gomes, President

Thanassis Pafilis, General Secretary



General Assembly

Distr.: General
12 June 2014

English only

Human Rights Council

Twenty-sixth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[06 June 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-04912 (E)



★ 1 4 0 4 9 1 2 ★

Please recycle



The Global practice of torture persists – STOP TORTURE

Three decades after the adoption by the UN General Assembly of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (the Convention against Torture), the practise of torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) persists across the globe. Amnesty International's global research combined with more than five decades of experience of documenting and campaigning against torture and other ill-treatment, reveals that, 30 years after the UN Convention against Torture, impunity for torture remains widespread.

In May 2014, we launched a new worldwide campaign to STOP TORTURE¹, calling on states to end the use of torture and other ill-treatment and to put in place effective safeguards to prevent and punish such acts. Amnesty International will also intervene on behalf of individuals that may be at risk of torture and fighting for effective investigations of allegations of torture and provision of reparations, including effective safeguards to ensure that the acts of torture and other ill-treatment never happen again.

As of June 2014, 155 states have ratified the Convention against Torture. Yet Amnesty International has documented torture or other ill-treatment in at least 79 state parties in 2014, and in the past five years, we documented torture or other ill-treatment in 141 countries.

Due to the secretive use of torture, the organisation estimates the number of countries where torture or other ill-treatment takes place to be even higher. In some of these countries, torture or ill-treatment constitute isolated occurrences, in many torture and other ill-treatment are still routine. There is clearly room for improvement.

Torture is a crime under international law, it is an abuse that almost every government will agree is wrong and condemn with rhetoric if not with concerted action. Yet governments often deny or cover up the existence of torture and other ill-treatment rather than carrying out prompt, thorough and impartial investigations into alleged instances and prosecuting the alleged perpetrators.

Amnesty International's campaign seeks in particular the establishment and implementation of effective safeguards against torture as the route to change. When effective safeguards are in place, people are protected. When safeguards are not in place or not put into practice, torture thrives. These safeguards will include independent checks on places of deprivation of liberty, including through, but not limited to, the National Preventive Mechanisms set up under the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, effective medical examinations, prompt access to lawyers, courts and family members, thorough, effective investigations into torture allegations leading to prosecutions, and full redress to victims.

The Convention against Torture was groundbreaking at the time of its adoption. It contains clear guidance to make a global ban on torture a reality, by establishing a set of measures, enshrined in law and specifically designed to prevent torture, punish perpetrators and ensure justice and redress to victims. These measures aim not only to end torture and other ill-treatment nationally, but also to ensure that no-one is returned to a country where he or she would be in danger of torture. The Convention also establishes universal jurisdiction for the crime of torture, ensuring that there is no safe haven for its perpetrators.

¹ <http://www.amnesty.org/en/news/amnesty-international-global-crisis-torture-exposed-new-worldwide-campaign-2014-05-13>. Amnesty International written statements to the 25th session of the Human Rights Council: Mexico: Torture unchecked: AMR 41/006/2014, 21 February 2014, available at <http://www.amnesty.org/en/library/info/AMR41/006/2014/en>; Nigeria: Torture, cruel inhuman and degrading treatment of detainees by Nigerian security forces, AFR 44/001/2014, 20 February 2014, <http://www.amnesty.org/en/library/info/AFR44/001/2014/en>; Uzbekistan: Torture and other cruel, inhuman or degrading treatment in Uzbekistan, EUR 62/001/2014, 20 February 2014, available at: <http://www.amnesty.org/en/library/info/EUR62/001/2014/en>; Philippines must effectively implement its legislation on torture and other ill-treatment, ASA 35/001/2014, 20 February 2014, available at: <http://www.amnesty.org/en/library/info/ASA35/001/2014/en>

Criminalising torture and similar acts of ill-treatment and making sure that persons deprived of their liberty are held in humane conditions will also protect individuals from torture and other ill-treatment. States must ensure the protection of members of groups especially at risk of torture or other ill-treatment, not only by prosecuting and punishing all acts of violence and abuse against them, but also by ensuring the implementation of other positive measures of prevention and protection. Likewise, torture and other ill-treatment may involve acts by non-state actors where officials instigate, consent or acquiesce to their perpetration; states therefore have a duty under international law to exercise due diligence to ensure that persons are not subjected to such acts, including for instance violence against women, children, persons with disability and lesbian, gay, bisexual, transgender and intersex persons.

Amnesty International calls on the Council's member and observer states to put in place effective safeguards to STOP TORTURE.²

The organisation calls on the Human Rights Council to make full use of its mechanisms to STOP TORTURE.

² Amnesty International's 12-Point Programme for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Agents of the State, ACT 40/001/2005, 21 April 2005 is available at: <http://www.amnesty.org/en/library/info/ACT40/001/2005>. In this document Amnesty International calls on all governments to implement this 12-point programme. There is an explanation of each point. The Organization believes that implementation of these measures is a positive indication of a government's commitment to end torture and other ill-treatment and to work for their eradication worldwide.



General Assembly

Distr.: General
12 June 2014

English only

Human Rights Council

Twenty-sixth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement^{*} submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[06 June 2014]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-04913 (E)



★ 1 4 0 4 9 1 3 ★

Please recycle



The death penalty, Belarus, and the UN Human Rights Council – more of the same?

"It is torture for the mother ... They tortured my child to obtain the necessary testimony, and now they are just torturing me."

Lubou Kavalyoua talking about her experience of learning about the execution of her son, Uladzslau, only after it had taken place and the authorities' refusal to return his body for burial

Introduction

Belarus continues to execute prisoners in strict secrecy. It is the last country in Europe and Central Asia that uses the death penalty. The Special Rapporteur on the situation of human rights in Belarus has expressed concerns over the way death sentences are carried out and has urged the authorities to impose an immediate moratorium on death sentences and to refrain from carrying out further executions.¹

Amnesty International regrets that, to date, Human Rights Council resolutions on Belarus have been virtually silent on this crucial element of the country's human rights record and urges it to strongly condemn the use of the death penalty at this session.

Executions in 2014

Earlier this year, Amnesty International reported that Belarus had not executed anyone in 2013, the first year without executions since 2009². At a Minsk round table of the re-established parliamentary working group on the death penalty and the Council of Europe, the Patriarchal Exarch of the Belarusian Orthodox Church spoke in favour of abolishing capital punishment. These seemed progressive steps for a country that had continued to use a punishment that the rest of the region has consigned to history. However, in April news emerged that at least two men were executed in 2014. "At least", because strict secrecy cloaks the use of the death penalty in Belarus. At least two other men, Eduard Lykau and Alyaksandr Haryunou, also sentenced to death in 2013, remain on death row; both are at risk of imminent execution.

In mid-April 2014, Pavel Selyun was secretly executed. The same month, Rygor Yuzepchuk's death sentence was carried out, but it only became public knowledge on 8 May. They had been sentenced to death in 2013; the sentences were upheld in July and September 2013, respectively, and appeals for clemency were automatically sent to the President of Belarus, Alyaksandr Lukashenka.

Pavel's mother, Tamara, had written her own plea to President Lukashenka asking for clemency for her son. She was never told that clemency had been denied, nor was she informed of his impending execution. Pavel's mother only found out from their lawyer who, in turn, had known nothing of the execution until she went to meet Pavel in prison and was told: "He has departed, in accordance with his sentence." An official letter confirming the execution on 17 April followed afterwards.

What happened to their sons?

Tamara's experience is not an isolated one. Other families in Belarus have been subjected to the inhuman treatment of being denied the chance of a final goodbye with their loved ones.

Lubou Kavalyoua found out about the execution of her son, Uladzslau, through a letter from the Belarus Supreme Court

¹ "Halt further executions – UN expert calls on Belarus for an immediate death sentence moratorium", *UN News Centre*, 25 April 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14537&LangID=E> (accessed 6 June 2014).

² *Death Sentences and Executions 2013* (Index: ACT 50/001/2014), page 28.

she received the day after the execution.³ The death certificate stated the cause of death as: "No information provided". As is common practice, in accordance with Belarusian law, the authorities refused to release his body. "It is torture for the mother," she told us last year. "They tortured my child to obtain the necessary testimony, and now they are just torturing me."

Her son was executed with Dzmitry Kanavalau in March 2012 in connection with a series of bomb attacks. They had been sentenced to death in November 2011 after an unfair trial which included claims of forced confessions. Lubou Kavalyoua last saw her son on 11 March, a few days before his execution, not knowing this would be the final goodbye.

Nina Semyonovna also did not know about her son's execution until after it had taken place. The exact date of Andrei Burdyka's execution is not known, but it is believed to have taken place between 14 and 19 July 2011. That month, Nina Semyonovna visited her son's prison, where she was informed that he had been shot and was handed his clothing and glasses. "He deserved to be punished," Nina told the local press later that year, "but he should be buried according to the Christian canons."⁴

On 19 March 2010, when Andrei Zhuk's mother, Svetlana, brought one of her usual food parcels to the prison in Minsk, she was turned away. Her son "had been moved", officials told her, and she should not come looking for him anymore. Three days later she was informed that her son and another man had been shot, possibly on the day before her attempted visit. Her husband suffered a heart attack upon hearing the news and had to be taken to the hospital. Film footage taken later by a Belarusian human rights organization shows Svetlana foraging in woodland on the outskirts of Minsk, looking for her son's grave. "Buried like a dog," she says.

A persistent practice of violating the rights of the prisoners and their families

In Belarus, death sentences are implemented in strict secrecy. Data on the use of the death penalty are a state secret. Condemned prisoners are given no warning that they are about to be executed; they are taken out of their cells, told that their appeal for clemency has been turned down; forced to their knees and shot in the back of the head. Families and legal representatives are only told after the execution has taken place – if they are told at all.

Following the executions in 2012 and 2014, in an apparent change of practice, the letters confirming the executions were sent to the families within days after the event, not, like in the past, weeks or even months after.

In all of the cases listed, communications had been filed with the UN Human Rights Committee, which requested that sentences not be carried out until it had considered the communications. In all cases, the Belarusian authorities proceeded with the executions regardless.

Over a decade ago, in 2003, in two cases from Belarus brought by mothers of two executed men, the Committee decided that the circumstances of the executions in 1999 caused continued anguish and mental stress to the mothers, had the effect of intimidating or punishing families by intentionally leaving them in a state of uncertainty and mental distress, and amounted to inhuman treatment of the mothers.⁵ The Committee confirmed this position in October 2012 in a case brought by Lubou Kavalyoua and her daughter on behalf of their son and brother Uladzslau, and concluded that "these elements, cumulatively, and the subsequent persistent failure to notify the authors of the location of Mr. Kovalev's grave, amount to inhuman treatment" of his mother and sister.⁶

³<http://www.amnesty.org/en/news/death-penalty-belarus-i-can-t-believe-he-s-not-here-any-more-2013-04-12> (accessed 6 June 2014).

⁴<http://livewire.amnesty.org/2011/10/07/the-death-penalty-in-belarus-families-painful-wait/> (accessed 6 June 2014).

⁵ UN document CCPR/C/77/D/886/1999; and UN document CCPR/C/77/D/887/1999.

⁶ UN document CCPR/C/106/D/2120/2011, paragraph 11.10.

Secrecy: cruel, inhuman and degrading treatment of those on death row and their families

The UN Secretary-General has said that States have an obligation not to practise the death penalty in secrecy.⁷ The UN Special Rapporteur on torture has stated that “secret executions violate the rights of the convict and family members to prepare for death.”⁸

When reporting to the Human Rights Council in June 2013, the Special Rapporteur on Belarus noted developments that could be seen as signs of openness towards reform, but criticized the lack of transparency about persons held on death row and executions, the systematic dismissal of views of the Human Rights Committee, and an inadequate procedure for appeals. He concluded that the way the death penalty is carried out in Belarus amounted to inhuman treatment.⁹

Yet, at the same session, the Council resolution only noted “the attention paid by the Special Rapporteur to the issue of the death penalty in Belarus ...”.¹⁰ This scant reference is even more troubling considering that in 2012 the Council had called on States to ensure that the inmates and their families are given information about a pending execution, to allow a last visit or communication, and to return the body to the family for burial or to say where it is located.¹¹

In his 2014 report, the Special Rapporteur reiterates death penalty concerns, including with regard to lack of transparency in its use and fair trials. He recommends that the Belarusian authorities “activate the work of the parliamentary working group on the death penalty, release comprehensive information on those executed to date and establish an immediate moratorium on the use of the death penalty with a view to its permanent abolition”.¹²

Amnesty International urges the Human Rights Council to clearly condemn the use of the death penalty in Belarus and echo the calls of the Special Rapporteur. It is high time for the Council to do so.

⁷ UN document A/65/280, 11 August 2010, paragraph 72.

⁸ UN document A/67/279, 9 August 2012, paragraph 40.

⁹ UN document A/HRC/23/52, 18 April 2013, paragraph 45.

¹⁰ UN document A/HRC/RES/23/15, 24 June 2013, operative paragraph 4.

¹¹ Resolution 19/37 “Rights of the child”, adopted without a vote on 23 March 2012, operative paragraph 69 (f).

¹² UN document A/HRC/26/44, 22 April 2014, paragraph 139 (d).



General Assembly

Distr.: General
12 June 2014

English and French only

Human Rights Council

Twenty-sixth session

Agenda item 3

Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development

Written statement* submitted by the Geneva Infant Feeding Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[10 June 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting
non-governmental organization(s).

GE.14-04906 (E)



* 1 4 0 4 9 0 6 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



Protecting infant health through implementation of the International Code of Marketing of Breastmilk Substitutes

Infant and children mortality is still a major concern globally. Breastfeeding has proven to be one of the most effective, low-cost interventions to save children's lives. In order to protect breastfeeding, in 1981, the World Health Assembly (WHA) adopted the International Code of Marketing of Breastmilk Substitutes¹ (the Code), to date completed and extended by fifteen subsequent relevant WHA resolutions. The Code aims to ensure that parents can make fully informed decisions about infant and young child feeding by banning marketing practices that undermine breastfeeding. In 1989, the Convention on the Rights of the Child² (CRC) has enshrined breastfeeding protection, promotion and support in its article 24, which articulates the right of the child to the enjoyment of the 'highest attainable standard of health'. The CRC General Comment No. 15 (2013),³ which interprets this right, specifies that besides States' obligation to implement and enforce the Code (para 44), baby food companies have the direct obligation to comply with it in all contexts (para 81). The CRC General Comment No. 16 (2013)⁴ on State obligations regarding the impact of the business sector on children's rights also urges States to implement and enforce the Code (para 57).

However, since 1981, only 35 countries have fully implemented the Code. In absence of effective marketing regulation, and notwithstanding their obligation under human rights law, baby food companies are systematically violating the Code provisions by malevolent marketing practices and tactics that mislead consumers and health professionals. The latest monitoring report *Breaking the Rules 2014*⁵ published by the IBFAN's International Code Documentation Centre⁶ covers 27 companies and reports 813 violations in 81 countries. It reminds the world that breastfeeding rates will continue to decline with the inevitable consequence of increased mortality and morbidity in infants and young children as long as corporate strategies that violate the Code continue. At present, there is no effective global mechanism that would ensure accountability of baby food companies which all seem prone to evade their human rights obligations in the absence of an effective sanction mechanism. The minority of countries that have been successful and adopted adequate laws to regulate marketing of breastmilk substitutes face serious challenges. The baby food companies, using their political influence and economic power, directly opposed the domestic law (e.g. in India) or resisted the adoption of enforcement mechanisms (e.g. in the Philippines).

In order to meet their obligation to protect breastfeeding and thus, fulfil the right of the child to health, we urge all States Parties to fully implement, monitor and enforce the Code and its subsequent relevant WHA resolutions. Effective sanction mechanisms should be set up and violators should be firmly prosecuted.

¹ International Code of Marketing of Breast-milk Substitutes.

Available at : http://www.who.int/nutrition/publications/code_english.pdf

² Convention on the Rights of the Child.

Available at: <http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

³ General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24). Available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f15&Lang=en

⁴ General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f16&Lang=en

⁵ See <http://www.ibfan-icdc.org/index.php/publications/publications-for-sale>

⁶ See <http://www.ibfan-icdc.org/>